



## **MINUTES OF THE CITY OF MIRAMAR REGULAR COMMISSION MEETING**

**APRIL 20, 2017**

**7:00 P.M.**

The regular meeting of the Miramar City Commission was called to order by Mayor Messam at 7:00 p.m. in the Commission Chambers, Miramar City Hall, 2300 Civic Center Place, Miramar, Florida.

Upon call of the roll, the following members of the City Commission were present:

Mayor Wayne M. Messam  
Vice Mayor Maxwell B. Chambers  
Commissioner Winston F. Barnes  
Commissioner Yvette Colbourne  
Commissioner Darline B. Riggs

The following members of staff were present:

City Manager Kathleen Woods-Richardson  
City Attorney Jamie Cole  
City Attorney Alison Smith  
City Clerk Denise A. Gibbs

### **PLEDGE OF ALLEGIANCE**

### **A MOMENT OF SILENCE**

### **PRESENTATIONS & PROCLAMATIONS**

Proclamation: National Community Development Week (Mayor Wayne M. Messam)

Employee Recognition:

<b>Name</b>	<b>Department</b>	<b>Award</b>
Administrative Secretary II Carolyn Marie Salisbury	Public Works	Longevity Award 25 Years
Budget Analyst I Karen Livernois	Management and Budget	Longevity Award 20 Years
Accounting Records Clerk Linda Frederick	Financial Services	Longevity Award 20 Years
Captain Tim Roche	Fire-Rescue	Employee of the 1st Quarter 2017
Captain Bruce Hill	Fire-Rescue	Distinguished Service Award
Civilian Tony Vasquez	Fire-Rescue	Civilian Citation
Police Officer Juliette Normil	Police	Life Saving Award
Crime Analyst Tenesha Whatley	Police	Employee of the Quarter
Police Training Unit	Police	Unit Citation
Community Resource Officer Brittany Parker	Police	Community Involvement Award
Community Resource Officer Lashay Singletary	Police	Community Involvement Award
Police Detective Jonathan Zeller	Police	Excellent Police Service Award
Police Detective Stacie Hadley	Police	Excellent Police Service Award
Police Detective John Untch	Police	Excellent Police Service Award
Police Detective Tait Thomas	Police	Excellent Police Service Award
Police Detective Jeffrey Gilbert	Police	Excellent Police Service Award
Crime Analyst Tenesha Whatley	Police	Excellent Police Service Award
Grant Accreditation Manager Kim Morrow Lopez	Police	Excellent Police Service Award
Police Officer Jennifer Jacobi	Police	Excellent Police Service Award
Executive Commander Eric Watters	Police	Excellent Police Service Award
Police Officer Edel Esponda	Police	Life Saving Award
Police Officer Michael Bourst	Police	Life Saving Award
Police Sergeant Oscar Mendoza	Police	Life Saving Award

Name	Department	Award
Police Sergeant Florinet Derac	Police	Chief Leadership Award
Police Major Shalida Smith	Police	Chief Leadership Award
Police Major James Dunkelberger	Police	Chief Leadership Award
Police Major Jose Vargas	Police	Chief Leadership Award
Assistant Police Chief Leonard Burgess	Police	Chief Leadership Award

**PUBLIC PARTICIPATION (7:30 P.M. — 8:00 P.M.)**

Virginia Garcia, 3645 SW 162<sup>nd</sup> Avenue, Nautica, Miramar, spoke on the continued adverse effects of the blasting taking place nearby on her community. She commented on the awards handed out to the City’s fire and police personnel, stating in the previous week, three policemen knocked on her door, whom she identified as Brooks, Dominguez, and Russell. They showed her a court order allowing the community’s homeowner’s association (HOA) to destroy her front yard, to which she cried profusely. Ms. Garcia remarked on finding such actions disgraceful for people living in America and having to go through such situations. She disliked the HOA, and she asked the members of the City Commission to look into this matter, as she was tired of feeling as though she were in a communist world, and something had to be done, as it was disgusting and ridiculous. She said her front yard, along with her flowers, had been ripped, and this had to stop, as she proud to be both Cuban and an American citizen.

Gopal Srivastava, 17889 SW 54<sup>th</sup> Street, Sunset Falls, Miramar, echoed Ms. Garcia’s concerns regarding the effects of the blasting on the nearby residential developments in Miramar. He hoped it stopped soon.

Debra Scialabba, 6490 SW 26<sup>th</sup> Street, Miramar, welcomed back the three recently reelected members of the City Commission. She noted for several years she had coffee with seniors at McDonald’s, and on the past Monday, a friend she knew for six years who resided in the city of West Park, told her though he acquired permits to do work on his property in his city, the final inspection of that work was done by Miramar employees. She wondered why Miramar’s already short-staffed department was doing inspections of West Park permits, as taxpayers should not be paying for such service provided outside Miramar. Ms. Scialabba asked if the City made arrangements with West Park to provide such services and, if so, she requested a copy of the resolution or document that authorized such actions, or if such inspections were being done by a rogue City employee trying to make extra money. She questioned if such an arrangement existed with other cities, commenting that transparency should extend to the City Manager’s Office and not just that of the City Commission. She felt that if such actions were sanctioned by the City

Manager, they should not be taking place without the City Commission being aware of it, and if the actions were approved by both the City Manager and the Commission, how much revenue was the City receiving for doing the inspections.

CITY MANAGER WOODS-RICHARDSON: To my knowledge, and to the knowledge of the director of that department, there should be no City of Miramar employees doing any inspections within the city of West Park. As far as I know from that being directly involved with West Park, the inspection services provided by West Park are through a contracted service, a company by the name of, I think, Giordano. So West Park does not do its own inspections, they contract inspection services out, and there should be no Miramar inspectors. We don't have enough inspectors to do our own inspections. We contract as well with services from the County as well, but, no. If you have a name of somebody, or he can identify somebody, I'd be happy to look into it, but there's no reason why a Miramar inspector would be in West Park doing inspections.

MAYOR MESSAM: Thank you, Madam Manager. Any follow-up questions can be done with staff outside, but you raised the question, the Manager has provided a response to dispel the assumption, but if there's any follow-up questions, I'm sure Madam Manager or her designee can discuss the issue, but thank you so much for raising the concern.

Owen Wyman, 3199 Foxcroft Road, Miramar Club, Miramar, mentioned the agenda item related to rezoning on Foxcroft Road directly affected his development.

MAYOR MESSAM: I want to pause you one minute, sir. Because the item is on the Commission agenda, it's a quasi-judicial item, and anyone from the public would have an opportunity to speak at that time. We're not stopping your ability to make the public comment. Because it's an item on the agenda, our procedure is to discuss it during that item.

Mr. Wyman voiced no objection to speaking when the agenda item came up for consideration.

MAYOR MESSAM: That's fine. Hold onto your comments when the item comes forward. You'll receive instructions on how you can provide your comment. Thank you so much.

Kate Tobon, 4905 SW 165<sup>th</sup> Avenue, Riviera Isles, Miramar, thanked the City Commission for their leadership and involvement in the blasting problem the City's residents were experiencing. She updated the Commission on the residents' efforts, which included an online petition that was already signed by over 1,000 residents; they held a community event and secured over 700 signatures on a physical petition. Miramar residents were working with Miami Lakes residents to create another blasting committee in the latter city, as those residents wished to replicate Miramar's Resident Blasting Committee. She said the Democratic Party in Miami-Dade were creating their own blasting committee, at which Miramar's would make a presentation on May 10, 2017. Ms. Tobon indicated the blasting still continued and was out of control, as they constantly modified blasting schedules to

match blasting that took place outside the designated times. The situation was out of control, and residents needed a solution, which they understood would take a while to fix. She asked the Commission to focus their efforts on getting some type of implementation of a proximity limit to ensure the blasting occurred at safe distances from occupied structures. Residents already knew the blasting company intended to blast closer to their communities than was already being done, and the current situation was horrible, so she could not begin to imagine how things would be in the future.

MAYOR MESSAM: Just before we go to Consent Agenda, just for a quick update, since we do have quite a few members from the public here regarding the blasting, and the status of where everything is with the State Legislature. There are two bills in the Senate and the House by Senator Garcia and Representative Diaz that have not had much traction in regards to passage in the Legislature, and both of those bills call for the appropriations for a blasting study to be done. So, in consideration of the lack of traction and the bills both in the Senate and the House, in their budget appropriations, have made provisions for the funding of the study, and are waiting the passage of the legislative budget to the Governor's Office for passage. The goal is to have the funding and the appropriations survive the line item veto by the Governor, and we'll continue to provide updates, as we know it's in the political and legislative process right now. We are hopeful that the appropriations go through. We definitely appreciate the interest in the community and do know that this Commission and the City stands firm with the community in regards to coming up with solutions to address the blasting. So thanks to everyone for your input. I'll have the attorney to provide additional comments.

CITY ATTORNEY COLE: If I can just give you one other small update. Last night was the first meeting of the Blasting Advisory Committee. I personally went. It was a very impressive meeting. I mean there was a lot of people very active, very passionate. There was actually a contested election for chair and vice chair, and it was very nice to see residents so actively involved, and they'll be meeting, I think, on the third Thursday of every month, starting in May.

MAYOR MESSAM: Thank you, Mr. Attorney. And just for a public announcement, the Blasting Advisory Board is a public meeting, and you do not have to be on that advisory board to attend the meeting. Anyone in the public can attend the meeting, so we encourage the community to continue to stay engaged. Yes, Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you. Could we also get the attorney to give us a quick update on negotiations on the Good Neighbor Agreement for the blasting?

MAYOR MESSAM: Sure. Mr. Attorney?

CITY ATTORNEY COLE: Certainly. We have negotiated a document. There's about three or four issues that were still outstanding that they did not agree with on the last draft that we felt were kind of important. Since the Blasting Advisory Committee was created,

we figured we should send it to them, and let them analyze it. I went over it with them last night, and left it with them, and they're going to discuss it and make a recommendation to the Commission.

MAYOR MESSAM: Thank you, Mr. Attorney. Thank you, Commissioner Colbourne.

## **CONSENT AGENDA**

On a motion by Commissioner Riggs, seconded by Commissioner Barnes, to approve Consent Agenda Items 1a, 1b, 1c, 1d, 2, 3, 4, 5, 6 and 7, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

MAYOR MESSAM: Just so everyone knows why the Commission is staying at the dais, we have new technology with the Commission agenda, and how we're recording our votes, so bear with us as we get over the digital divide of knowing what to do to knowing what not to do with our devices.

**1a.** Minutes from the Special Commission Meeting of March 28, 2017.

**Approved**

**1b.** Minutes from the Regular Commission Meeting of March 29, 2017.

**Approved**

**1c.** Minutes from the Special Commission Meeting of April 5, 2017.

**Approved**

**1d.** Minutes from the Regular Commission Meeting of April 5, 2017.

**Approved**

**2.** Temp. Reso. #R6406 accepting a grant from the **2016 Urban Area Security Initiative ("UASI") Grant Program** in the amount of \$119,178; authorizing the execution of a Memorandum of Agreement between the City of Miami, as "Sponsoring Agency", and the City of Miramar, as "Participating Agency", along with any future amendments to same and other Memorandums of Agreement

related to the 2016 Grant Program deemed appropriate. (*Interim Fire Rescue Chief Robert Palmer*)

**Resolution No. 17-106**

3. Temp. Reso. #R6410 approving the purchase of **firefighting protective ensembles and ensemble elements** from Bennett Fire Products Company, Inc. through the utilization of the Lake County Contract No. 12-0806B, in an amount not-to-exceed \$80,000 for Fiscal Year 2017. (*Interim Fire Rescue Chief Robert Palmer*)

**Resolution No. 17-107**

4. Temp. Reso. #R6411 authorizing the purchase of **services for refurbishment of the Town Center Main Water Chiller** from Trane, U.S. Inc., in the amount of \$63,689; utilizing U.S. Communities Government Purchasing Alliance Contract No. 15-JLP-023. (*Public Works Director Bernard Buxton-Tetteh and Procurement Director Randy Cross*)

**Resolution No. 17-108**

5. Temp. Reso. #R6412 approving the purchase of **water meters and associated meter parts** from Sensus Metering Systems, Inc. in an amount not-to-exceed \$250,000; waiving the competitive bidding requirements for the purchase of City Standard products in accordance with City Code Section 2-413(3). (*Utilities Director Jody Kirkman and Procurement Director Randy Cross*)

**Resolution No. 17-109**

6. Temp. Reso. #R6414 awarding Invitation for Bid (IFB) No. 17-005 entitled "**Sodium Hypochlorite Tank Replacements**" to Odyssey Manufacturing Company; authorizing the City Manager to execute an agreement with Odyssey Manufacturing Company, in an amount not-to-exceed \$133,300. (*Utilities Director Jody Kirkman and Procurement Director Randy Cross*)

**Resolution No. 17-110**

7. Temp. Reso. #R6429 approving the granting of a **Utility Easement** to Florida Power & Light Company for the construction, operation and maintenance of overhead and underground electric utility facilities to serve the City of Miramar **Fire Rescue Station No. 107**. (*Construction and Facilities Management Director Luisa M. Millan*)

**Resolution No. 17-111**

**End of Consent Agenda**

**RESOLUTIONS**

8. Temp. Reso. #R6372 **selecting a Vice Mayor** for a one-year term. (*City Clerk Denise A. Gibbs*)

MAYOR MESSAM: I'd like to nominate Commissioner Winston Barnes. Are there any other nominations?

VICE MAYOR CHAMBERS: I'd like to nominate Commissioner Colbourne.

MAYOR MESSAM: Are there any more nominations? If not, we have a nomination for Commissioner Barnes, and Commissioner Colbourne. I've nominated Commissioner Barnes. It's been some times since he's been the Vice Mayor, not that we have a formal rotation process, but what has been observed in the past is we kind of go down the line, and it's been a while since Commissioner Barnes has been the Vice Mayor, so I'd like to nominate him, if he chooses to serve.

COMMISSIONER RIGGS: Are you accepting, Commissioner Barnes?

COMMISSIONER BARNES: Yes.

COMMISSIONER RIGGS: Okay. Great. Then I thought it goes in that order. It's not written that it goes in a certain order?

MAYOR MESSAM: It's not. It's the Commission's decision.

COMMISSIONER RIGGS: I was always under the impression that it was a turn.

MAYOR MESSAM: Well, it's because out of professional courtesy that we try to give every Commissioner an opportunity to serve as Vice Mayor, so that's why it's typically that process. If you agree with Commissioner Barnes being Vice Mayor, you can definitely make a motion.

On a motion by Commissioner Riggs, seconded by Mayor Messam, to approve Resolution #R6372, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 17-112**

MAYOR MESSAM: Congratulations to our new Vice Mayor, Winston Barnes. He chooses not to move this meeting.

9. Temp. Reso. #R6431 approving **appointments** to the **Historic Miramar Advisory Board**. *(City Clerk Denise A. Gibbs)*

MAYOR MESSAM: Thank you, Mr. Attorney. For my appointment, I appoint Ms. Norma Martin. Commissioner Chambers, your appointment?

COMMISSIONER CHAMBERS: Mr. Roland Abel.

MAYOR MESSAM: Vice Mayor Barnes?

VICE MAYOR BARNES: James Hepburn.

MAYOR MESSAM: Commissioner Colbourne?

COMMISSIONER COLBOURNE: I'm not going to be appointing today.

MAYOR MESSAM: Commissioner Riggs?

COMMISSIONER RIGGS: Mary Raynor.

MAYOR MESSAM: Let the record reflect the appointments of Norma Martin, Roland Abel, James Hepburn, Mary Raynor as appointee members for Mayor Messam, Commissioner Chambers, Vice Mayor Barnes, and Commissioner Darline Riggs, respectively. Do we have any nominations for the business appointment? Any nominations? Or a resident?

COMMISSIONER CHAMBERS: Nicola Officer.

MAYOR MESSAM: Any other nominations? Any nominations for business representative?

COMMISSIONER CHAMBERS: Delrose Facey.

MAYOR MESSAM: Are there any other nominations for business? Now we have Nicola Officer for at-large resident, and Delrose Facey for business. Can I have a motion.

On a motion by Commissioner Chambers, seconded by Vice Mayor Barnes, to approve Resolution #R6431, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes

Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 17-113**

10. Temp. Reso. #R6386 approving the final ranking and award of Request for Qualifications No. 16-06-34, entitled "**Wastewater Reclamation Facility Reclaimed Water System Expansion**", to the highest ranked proposer, Hazen and Sawyer, DPC; authorizing the City Manager to execute an agreement with Hazen and Sawyer, DPC in an amount not-to-exceed \$500,000. (*Utilities Director Jody Kirkman and Procurement Director Randy Cross*)

Utilities Director Jody Kirkman reviewed the proposed resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you, Mr. Kirkman. At this time, is there anyone from the public that wish to comment on this item? Hearing and seeing none, I have a question in regards to the proposed schedule or the estimate project schedule. Pending approval, when are we scheduled to go underneath I-75, and at what location?

MR. KIRKMAN: That's a great question. The design, again, we're expecting 365 days a year, and that's to, basically, complete design, permitting, and have something ready to put on the street for construction. I would estimate at this point; we'd probably be about 18 months out before construction would begin. At this point, the intent is to cross near the Pembroke Pines flyover, so we would actually cross in that area, vicinity, and it will actually be below ground. It would be a directional drill.

MAYOR MESSAM: What size?

MR. KIRKMAN: Right now, we're proposing a 16-inch. We've done a lot of investigation, preliminary design work. Right now, it is a 16-inch.

MAYOR MESSAM: Is there any coordination with FDOT at this point? I know we're trying to get the design consultant. Has the City coordinated, at any point, with the Florida Department of Transportation?

MR. KIRKMAN: Not really. Until we have the plans ready and on paper, and designed, we can't even talk permits. That's what it would be. It would be a permitting situation.

MAYOR MESSAM: Thanks so much. Are there any other questions from the dais, or comments? Hearing and seeing none, may I have a motion?

On a motion by Commissioner Chambers, seconded by Vice Mayor Barnes, to approve Resolution #R6386, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 17-114**

11. Temp. Reso. #R6426 adopting a fair chance hiring practice, by implementing the **“Ban the Box” initiative**. *(Human Resources Director Melanie McLean and sponsored by Mayor Wayne M. Messam)*

Human Resources Director Melanie McLean went over the subject resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you so much for the presentation. I am the sponsor of this resolution, and I thank the Commission for providing consensus to bring it forward for approval. As the presentation stated, this is a national movement to provide, as stated, fairness in hiring practices. Oftentimes, individuals may have had a hiccup along the way in their life, and they’ve paid their debt to society, and this does not compromise qualification, it does not compromise sensitive positions. We do follow State Statutes in regards to that, and there are safeguards in certain positions that would require extra scrutiny, and it does not eliminate a background check. What it does do is when someone enters our doors to apply for a position, that they are evaluated and initially screened based off their qualifications. When you look at it from a public safety perspective, oftentimes when individuals can’t get meaningful employment, they resort to activities to provide for themselves, and oftentimes, those activities lead them back into doing things that they should not be doing, just because of lack of opportunity. I think it’s a great opportunity for Miramar to be a part of the national movement to band the box, to at least give someone an opportunity to be evaluated based on their qualifications. We hope that this will lead to the private sector to follow the City’s lead, if this should pass, in regards to providing employment opportunity for individuals who may have had a hiccup along the way, and deserve a second chance to be able to get on right footing, and to have meaningful and gainful employment. Thanks, first to the Commission for granting consensus to allow this to move forward, and second to staff for pulling everything together for consideration this evening. At this time, if there’s anyone from the public that wish to comment on this item, please come forward. Hearing and seeing none, back to the dais. Vice Mayor Barnes, you’re recognized.

VICE MAYOR BARNES: Just to call attention and to commend our HR Director for bringing this to us. Our Chief will remember a similar issue you brought to us regarding intervention with youngsters with their first brush with the law would not attract a permanent record. And very frankly, we’re probably sending a little message to Tallahassee that you have done what was demanded of you by the law, certain of your

rights ought to be reinstated. If you think about what happens, as we speak in this country, there are infractions of the law in one department, in civil, that is something completely different in immigration, so this is very important. And, as the Mayor said too, what this is doing, it is reducing the potential for recidivism, because that person who is now unable to get a job sometimes starts thinking in creative ways, so this is a lot more important, I think, than we realize. Thanks.

MAYOR MESSAM: Thank you, Vice Mayor. Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: I think it is important for us to give individuals a chance. Someone who has made a mistake, they have paid their debt to society, they have been rehabilitated, and it's important that they are able to provide for themselves, for their families, because if they are not able to do that, then society will have to continue to pay the price for them. So I thank you for introducing this legislation, and allowing us to join in the national effort, and I also thank the City Manager and staff for getting on board with this. I go along with this item, I do approve, thank you.

MAYOR MESSAM: Thank you, Commissioner Colbourne. Any other requests? Seeing none. Just final comments are, after the approval of this item, I think it would be a good idea for the City to, perhaps, find a way, either through email or some form to just bring awareness to our business community that the City has passed this resolution. Send a copy to them and encourage them, based on if they could consider it as well. Obviously, it's not mandated for them, but just to show that the City is taking this leadership role, and invite the private sector as well to consider that. Because, I tell you, if our private sector, even if a small percentage adopts a similar policy to remove/ban the box off their applications, when we have individuals released into our City, and what they're being told. They're being told to get engaged, get involved, seek employment. But if there's no opportunity, I think it could change the paradigm, so thanks so much for the consent, and I'll entertain a motion at this time.

On a motion by Vice Mayor Barnes, seconded by Commissioner Riggs, to approve Resolution #R6326, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

### **Resolution No. 17-115**

12. Temp. Reso. #R6413 approving an agreement with Metro Express, Inc. to provide **sidewalk repair and replacement** in the amount of \$200,000, utilizing Southeast Florida Governmental Purchasing Cooperative Group Contract as a result of

Invitation for Bid No. 15-16-039(A); authorizing the City Manager to execute an appropriate agreement. *(Public Works Director Bernard Buxton-Tetteh and Procurement Director Randy Cross)*

Public Works Director Bernard Buxton-Tetteh reviewed the proposed resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you so much for the presentation. At this time, if there's anyone from the public that wish to comment, please. State you name and your address for the record.

Debra Scialabba, Miramar resident stated she liked walking from Miramar Parkway to Pembroke Road along the canal, and if she got short of breath there were benches on which to rest. She was unsure when the pathway was put in, but it was neither a sidewalk nor concrete, it was of asphalt, and as she neared Pembroke Road, there were similar issues with tree roots breaking up the asphalt. This presented not only a trip hazard, but she felt it was the City's responsibility, so that area could be a liability for the City if someone should trip and fall.

MAYOR MESSAM: Thank you. Is there anyone else wishing to speak on this item from the public? Seeing none, back to the dais. Vice Mayor Barnes, followed by Commissioner Colbourne, and Commissioner Chambers. Vice Mayor, you're recognized.

VICE MAYOR BARNES: I think it's most timely that we move in this direction, because, in fact, like Ms. Scialabba, I walk sometimes, and earlier this week in my little neighborhood, there are some sidewalks that need attention. I just hope our residents have come to that understanding, for example, of the need for the tree canopy that we have created and seek to sustain in the City. But I think, going forward, we're going to need to start looking at the kinds of trees that we plant. Because the reality is, I've known South Florida for a long time, and a lot of what we consider earth is really sand, so the roots of trees do as they please. I think, going forward, we have to start looking trees that are not as active as the trees that we've become used to, and simply just rip up sidewalks when they choose. Yes, it is time we moved on this, and I commend staff for bringing it up to us at this time.

MAYOR MESSAM: Thank you, Vice Mayor. Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you very much. Yes, this is great. I'm glad we are allocating this money, and we are getting a contract to move on the replacement. Did I also hear you say that this also addresses new sidewalks?

MR. BUXTON-TETTEH: No, not at this time. This is for repairs.

COMMISSIONER COLBOURNE: Well, I do want to take this opportunity to say that that is something that we need to address. We made a commitment to the individuals on the east side, specifically, we applied for a grant and received a grant from the County to address sidewalks from Pembroke Road to 215, and from 62<sup>nd</sup> to 441. The grant does not cover all of it, but it's essential that we keep that commitment to the community, and that we allocate dollars to put in sidewalks in those areas. We do need to address the sidewalks that are broken, but there are areas that have no sidewalks on either side of the streets, and you have kids that walk to school, you have individuals walking to the bus stops, and there's nowhere, no sidewalk to walk on. Madam Manager, I do want to say that this is a priority, and I say to my fellow Commissioners and to the Mayor that it is something that we really need to push staff to look at. Whether it's through grants or other means, but we really do need honor that commitment. We identified the needs, we know what the needs are, and we really need to address that on the east side.

MAYOR MESSAM: Thank you, Commissioner Colbourne. Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Thank you, Mr. Mayor. On the issue of sidewalks. This is becoming a real issue in the City of Miramar, and I'm begging that the City officials and the City department, we also have to partner with the HOAs in our City. Our residents are experiencing serious sidewalk damage. People have been tripping and falling, and they are at the mercy of the HOA, so we're going to have to fast our relationship with these HOAs to help go between them and the residents to see how we can assist them in some way of resolving this issue with these trees damaging the sidewalk. I've seen them myself, and quite a number of residents have reached out to me, so this is something that we're going to have to take a serious look at, and see how we can come to some assistance with these trees and sidewalk issues. Like Commissioner Barnes has said, we have to look at other kinds of trees that we can put in, maybe create more easement, something needs to be done. Thank you, Mr. Mayor, and looking forward to working with the HOA to see how we can solve this issue.

MAYOR MESSAM: Thank you, Commissioner Chambers. The comment I would add to this discussion is that I think this is a great start, because we're beginning somewhere. There is unanimous consent from the Commission to address this issue. I've had several meetings with staff and the manager in regards to follow-up of our discussions in regards to sidewalks, along with street lighting in the community. Similar to the issue of storm water management that was pervasive, and continues to be in areas that haven't been addressed yet. I request staff to at least come up with a plan to address storm water management, and that created the phases that we're doing now. In a similar vein, I was speaking with the City Manager, for us to come up with a comprehensive assessment for sidewalks and street lightings. Sidewalks, because we don't have all the funding right now to address all of the issues, let's understand what we're dealing with. So a comprehensive assessment that evaluates the linear mileage of sidewalks installed, the linear mileage of sidewalks not installed, as well as the amount of broken or hazardous sidewalk areas that need repairs. We quantify that, have a dollar amount, so that we can

at least include it in our CIP, moving forward, so we designate it, that's commits us to the various phases of storm water management, and we can also do the same. I think staff has begun to do the work, upon the request of all of us making this request, so that we can have a systematic and organized way to say how we address these issues. I commend staff for their proposal, in terms of how to begin to address the issue, because, obviously, when we have limited resources, we have to create priorities on how we deal with it. From a risk management and liability standpoint, we have to deal with the great trip hazards that can cause liability for us in the City. Concentrating the areas, especially on the east near our schools, where our children are oftentimes forced to walk in the roadway, because there's not sidewalk. Those are priority areas, as was discussed today. So I think staff is well on their way to putting out a road map to how we can address this issue. As we are presented the final report on what they look like, was, as a Commission, can provide our input. For example, if we think that a certain community or area has priority over an area we may feel should be in a higher ranking, we can discuss those issues, so that we can kind of bring this issue to some organized fashion, so that we can make the appropriate priorities, so as suggested by a colleague in regards to going for grants, and going for funding, we know once we get the funding, where we can apply those dollars. I think this is another initiative that's a low hanging fruit for the Commission. I think we all agree we have to address sidewalks, get them installed where they need to be installed, fix them where they need to be fixed, so that we can move forward. I see that I have Commissioner Riggs, followed by Commissioner Colbourne, and Vice Mayor Barnes.

COMMISSIONER RIGGS: This question is in reference to new sidewalks. From what I'm understanding from the community, not everyone is in agreement to having new sidewalks. So if in a certain neighborhood not everyone agrees to new sidewalks, do we need their permission to do the sidewalks?

MR. MOORE: Commissioner Riggs, Michael Moore. We would certainly engage the community, and have a dialog with them. If it was clear that a significant portion of the community didn't want sidewalks, we would definitely bring that back to the Manager, and let her know. I would assume there would probably be a workshop or something. We have heard that from some of the residents, but we do get both sides, the want and don't want.

COMMISSIONER RIGGS: I guess we'll take it from there when that happens. Thank you.

MAYOR MESSAM: Commissioner Colbourne, You're recognized.

COMMISSIONER COLBOURNE: Yes. I'm glad we're having this discussion, because I know a few meetings back, we talked about it, and I had requested information as to what the need was, the areas that did not have sidewalks, and I never received a response on it from staff. I don't recall getting a response. Did I receive one? Was something sent? I see the Manager shaking her head, so I'm not sure.

CITY MANAGER WOODS-RICHARDSON: I'm shaking my head, because we have been working on this for a little while now. It is pretty extensive, and we are having to physically go out and do the inspections of them, so it is not complete. That is why you have not gotten a response.

COMMISSIONER COLBOURNE: That's good. I'm glad to hear that, but any updates along the way, just to know that you're working on something is important to me, so that I would know, I won't think that there's nothing being done. Because I did not know that there was actually something being done on this, even though it's something that I know I requested and we discussed here, so thank you.

MAYOR MESSAM: Thank you, Commissioner Colbourne. Vice Mayor Barnes.

VICE MAYOR BARNES: Not suggesting that we go after this in an ad hoc fashion, but I think we should also look to expedite this as much as is possible. What I've been impressed with is the manner in which we have treated potholes. I drive along the roadway, there are a number of potholes in a very finite space, and the next week I'm passing, and these potholes are filled. Gosh, I should have said that separately as a commendation. It is possible that some of these repairs to sidewalks can be done in that fashion as well. While this official plan moves forward, is it even remotely possible that like has been done with the potholes, that you guys can say, "Okay, we're not going to wait until we get a report here, let's jump in this.

MR. BUXTON-TETTEH: Thank you Commissioner. What we do, like I said previously, we have in our staff that perform repairs, so we actually address some of these concerns. What sometimes slows us, as I pointed out, would be the roots. To be honest with you, sometimes it takes days, depending on the size of the roots, because we get issues with people's irrigation systems are in the way, we've had instances where there is electricity that we have to pause, reach out to FPL, or there's an AT&T or Comcast line. So sometimes there are things in the way that impacts how quickly we can go. We have a policy with potholes that we get to it at least within 48 hours. We don't let it go beyond 48 hours, as soon as we become aware of it. Sidewalks sometimes take a little bit of time because of some of the challenges, but we've had instances where somebody trips and falls. The moment we're told, we get it done the same day if it's a small area, so those are some of the challenges we go through.

MAYOR MESSAM: Seeing no other comments, I'll entertain a moment on this item.

On a motion by Vice Mayor Barnes, seconded by Commissioner Riggs, to approve Resolution #R6413, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes

Mayor Messam

Yes

**Resolution No. 17-116**

**PUBLIC HEARING**

**13 SECOND READING** of Temp. Ord. #O1668 amending Article III (“Boards, Committees and Commissions”), of Chapter two of the City Code (“Administration”), to amend Section 2-90 (“**Blasting Citizen Advisory Committee**”); providing for conflicts; providing for inclusion in the Code; providing for severability; and providing for an effective date. (*Passed 1st Reading 03/29/17*) (City Attorney Jamie A. Cole)

CITY ATTORNEY COLE: As you may recall, this was necessary because the School Board did not want to have a voting member on the Board. They did have a nonvoting member show up last night, so they are participating, they just didn’t want to vote, so this was passed on first reading, and it’s substantively the same. Basically, it eliminates the School Board member, creates the ex officio School Board member, and then it adds one more resident who does not reside in one of the communities.

MAYOR MESSAM: Are there any members from the public who wish to comment on this item?

Germaine Flemming (ph), 13194 SW 30<sup>th</sup> Street, Monarch Lakes, Miramar, stated he was a director with the office of School Performance and Accountability. He was present as a representative of Superintendent Robert Runcie, and Broward County School Board Member Patty Good, to whom he believed Mayor Messam and Commissioner Riggs had spoken on the subject issue. The Broward County School Board supported the subject initiative in relation to the City, and the School Board representative, Charles Webster, attended the first Blasting Advisory Board meeting the previous night. He noted if there was anything else the City needed from the School Board, they were willing to lend their support.

MAYOR MESSAM: Thank you so much. Are there any other members from the public who wish to comment on this item? Seeing none, back to the dais. May I have a motion, if there’s not any comments?

On a motion by Commissioner Colbourne, seconded by Vice Mayor Barnes, to approve Ordinance #O1668, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes

Mayor Messam

Yes

**Ordinance No. 17-14**

**QUASI-JUDICIAL PUBLIC HEARING**

City Attorney Cole explained Miramar’s procedures regarding quasi-judicial hearings, stating the rules applied to item 14, 15 and 16.

Those providing testimony on the following quasi-judicial item were collectively sworn in by City Clerk Gibbs.

- 14. SECOND READING** of Temp. Ord. #O1664 considering Application No. 1608871, **rezoning** for a **2.13-acre parcel** from Planned Unit Development (“PUD”) to Residential Multi-Family 25 (“RM-25”), located on Foxcroft Road, west of Douglas Road and south of Miramar Parkway; and providing for an effective date. ***(Passed 1st Reading 03/29/17) (Community & Economic Development Director Eric Silva)***

Community & Economic Development Director Eric Silva went over the proposed ordinance, as set forth in the backup. The City Manager recommended approval with the nine staff conditions as noted.

CITY ATTORNEY COLE: Mayor, the petition was for items 14 and 15, and I only read 14, so if I may read 15, please?

MAYOR MESSAM: Okay.

CITY ATTORNEY COLE: Thank you.

MAYOR MESSAM: Thank you. Yes, sir, you’re recognized.

Richard Coker, the applicant’s representative, concurred with Mr. Silva’s presentation, stating the irregular property size and nature of its configuration resulted in the number of variances the applicant requested. The applicant’s project team worked with the residential neighborhood, and the staff conditions were the result of those community meetings. He mentioned that the rental lease their rental would sign included enforcement action against tenants parking off the property, so the developer had been very responsive to resident concerns.

MAYOR MESSAM: Thank you. Are there any questions from the dais? Vice Mayor Barnes, you’re recognized.

VICE MAYOR BARNES: Let me be very frank, and express my concern about the variances that have been asked for. They’re all variances asking to reduce something. I

also remember references made to tandem parking, and the urban nature of this construct. Does it fit in this neighborhood? What are the residents saying?

MR. COKER: Some of them are here, I believe. They showed up at the Planning & Zoning Board. The presentation was made. They showed up at the community participation meeting and had those same questions, and we made the presentation. The staff talked with them. I believe that you're going to find out that the residents are happy with this development. As you can see from the looks of the building, it's a new development. It's modern. It's got all the amenities. All of the variances are really related to this difficult piece of property to develop. You'll see that a lot of the other developments in the Foxcroft area, they met the open space requirements by having some of the water retention area in their property and some of the other common open spaces within their property. This happened to be the last out parcel for development, so it was net, net, net, and it was a funny shape. For example, the front yard setback. The reason that setback variance was required was because the front yard is defined in your code as that yard that's facing Foxcroft Road, but in reality, the front yard operates as the road to the south, and we've got like a 75-foot setback. So it was the configuration of the site that really necessitated all those variances. Tandem parking by the way, one of the requirements with tandem parking was that they had to be assigned to specific unit owners, so that one unit would have the two tandem spaces, so it wouldn't conflict with somebody else's use of the property. And just one more point, because you did bring up parking. With respect to the reduction in parking, the reduction in parking is the number of parking spaces required specifically for a community pool. I think the staff agreed with the developer, was that this is such a small site. It's 50 steps away from the front door, so you don't need separate parking for a community pool.

VICE MAYOR BARNES: Because people would be walking to the pool.

MR. COKER: People would be walking there, so that's really the parking variance. Each one of the variances has one of those stories.

MAYOR MESSAM: Any additional question, Vice Mayor Barnes?

VICE MAYOR BARNES: I just get the feeling that it's just this really, really tight space that we're working with. And I want to hear from our residents now to hear what they have to say.

MAYOR MESSAM: Thank you, Vice Mayor Barnes. Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you. I too was a bit alarmed at the number of variances, but I do understand that it's the last piece of property, and I think without those, it seems like that property would not have been developed at all, so I do understand the variances. It's my understanding that the developer has really worked with the residents in order to meet their concerns, so I'd like to hear from the residents as well, but I know

that this was a very difficult situation, and staff has really worked with them and the residents. They worked with both of them.

MAYOR MESSAM: Thank you. At this time, are there any members from the public who have any comments on this item?

Martha Ehrenfeld, 3400 Foxcroft Road, Miramar Club, Miramar, stated she had several reasons for opposing the subject project, such as her belief that allowing the reduction of parking spaces would adversely affect her community's parking. The additional residents would exacerbate existing traffic issues, and there should only be no more than three floors,

MAYOR MESSAM: Thank you so much, ma'am.

MR. COKER: Mr. Wyman, the gentleman who came up here, is the one we've been working with mostly. He did leave about 15 minutes ago, which is unfortunate. With respect to the fence that was just referenced, that fence is one of the staff conditions too, to be removed. With respect to the parking going over on somebody else's property, we worked with all the residents. You see there's only one here speaking tonight, and that's why we represented that we're putting particular enforcement mechanisms in the lease, and that lease will be submitted to the City for review. I know the City also has their traffic engineer, and we submitted a traffic study, and you know what the drill is. That we submit a traffic study, and you get your traffic engineer to review it. I know the City's traffic engineer is here to answer any questions that you may have about the traffic issues, because that was raised in all the prior meetings. Both traffic engineers have looked at this and concluded that this is such a minimal impact on this road, and it works well within the capacity limits, but I'll let the traffic engineer, if the City wants them.

MAYOR MESSAM: Yes.

Joaquin Vargargas, Traf Tech Engineering, serving as the City's traffic consultant, affirmed they reviewed the applicant's traffic study on behalf of the City, and as Mr. Coker stated, the proposed development was small, and would have a small impact. The impact on Foxcroft Road, as well as on the intersection of Foxcroft Road and Miramar Parkway. He stated, based on the existing volumes and the minor increase, it was his opinion that a traffic signal would not meet the criteria of Broward County. In speaking with Mr. Silva, he understood that the applicant agreed to go to Broward County and request having a signal study conducted to evaluate the possibility of the signal, but he did not think it would meet the criteria the County required for traffic signalization.

Rodrigo Azpurua, president of Riviera Point Development Group, the developers of the subject property, stated this was the fourth building they were successfully developing in Miramar since 2011. They were a combination of commercial and residential products, while remaining good neighbors to the surrounding uses, and in the other three projects, they successfully worked with the City and the affected communities to address the any

concerns voiced, including traffic concerns. The subject property received a site plan approval some ten years prior, and Mr. Azpurua and his team worked to fulfill the requirements of the City's new or revised ordinances concerning emergency services access, etc. The density they proposed for the site was the same as that of the already approved site plan ten years ago.

MAYOR MESSAM: Thank you, sir. Vice Mayor Barnes, you're recognized.

VICE MAYOR BARNES: From time to time, we have to examine proposals like this that come to us, and I am a little less accepting of claims that the impact of traffic is going to be minimal. If you add ten cars to any situation, you are impacting traffic. Of course, it depends on the particular lifestyle of these people. Maybe every single one in this apartment is going to have standard work hours, and so wouldn't impact morning drive time, but there's no guarantee of that. While I'm not demanding that you offer us data on what you mean by minimal impact, I think, maybe a better route to take is to say to residents, listen, this is what our engineers say, "This is what the City of Miramar says, but guess what? We are going to create certain traffic taming devices, for example, to the situation that would mitigate the traffic situation." I have a fairly good idea of that area, and it's a lot of apartments, and there are people who are losing the conviction that you could use Foxcroft as a shortcut to get onto Douglas. It doesn't work anymore. I'm just wondering what real, real impact, not figures on a study, what real impact this is going to have on the traffic situation. Not just the parking, but the movement of people at times of the day when people usually go to work and school, as was mentioned by the resident. That is my concern.

MAYOR MESSAM: Thank you, Commissioner Barnes. Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: I think I echo the sentiment that Commissioner Barnes has said, and I do know the area, and it's very difficult as it is already to navigate that community. I'm not sure how much opportunities the residents had to voice their opinion on this new construction. I know we only have one speaker here tonight. I don't know how much outreach went into the community to work with them, to see how they really felt about it. It's a hard decision, and I'm hoping we could table this item for another meeting to give a little more opportunity to take a look at it. Thank you.

MAYOR MESSAM: First I would like to commend staff in working with our community and our developer on this item. Obviously, whenever there's proposed development in a developed area, there are going to be a lot of questions and concerns regarding the proposed development. I think, without question, we can say that we have a reputable developer who as a successful track record in our City in doing development projects, and being very responsive to the requirements and the needs of our community. They have stepped forward to develop an undeveloped area in our City in Foxcroft that already had a site plan approval for, basically, the same development. The item that is before us today has several variance requirements, based on staff, which basically were triggered

by requirements of the City in regards to comments from our Fire Department, so that they will be able to adequately respond to any emergency calls for their apparatus to be able to go behind the building, which had a domino effect. I think in terms of the concern regarding public input, as most of our public hearings in regards to the quasi-judicial public hearings that require either a zoning change or variance, before it even comes to the Commission, it has to go to the DRC, the Development Review Committee, which is a public meeting. It goes to Planning & Zoning Advisory Board, which is a public meeting, where the public communicate. Based on testimony today, it appears that the developer has made multiple concessions, taking the feedback from the community, and I think our staff has reiterated that point as well. In regards to the developer taking in concerns, questions from the community, I think that they have been as responsible as we could expect from a developer, in terms of their initial proposal, and responding, not only to staff, but also to resident concerns. More specifically, regarding the guest parking. Our staff, to address that issue, obviously there had to be a comment from the existing communities in Foxcroft that say, "We have a concern with their tenants parking in our spots." And the developer responded that, "We'll ensure that in our lease agreements that there are enforceable provisions in the lease. In fact, not only will it be between us, as developer and our tenants, but we'll give it to the City to review to make sure that it's enforceable." Not that the City can enforce it ourselves, but the point I'm making is that they're making provisions for community input. I think to delay this item on the premise that the community didn't have an opportunity to give feedback, I think would be counter to our process of giving a fair opportunity for developers to do development projects. I think it would be an unfair characterization of this process. I think they have been responsive, and most of these variances are as a result of the requirements from the City. So I think it's a wonderful project. I think it develops an area in the last remaining portions of Foxcroft. The entire area, and the maximum number of residential units, it's well below that amount with the approval. I just think that in terms of this application, I think they've met all the requirements of the City. Obviously, we have to be sensitive to our residents, but to just kill the project, and they've gone through the process, and they're well below the maximum number for this entire area for Foxcroft, in terms of number of units, I'm not sure that's the best decision. Those are my comments for now. Right now, I'll recognize Commissioner Darline Riggs.

COMMISSIONER RIGGS: Thank you. First, to our Miramar residents, I want to say that we hear you, and especially to those who tend to be impacted by this. However, it does sound like the developers are doing everything to address the traffic and every other concern that you may have. What I want to point out to my colleagues is that if we don't move this forward today, it will come again in the future. Are we saying we don't ever want to build? That's not an idea we want to go. We always want to develop within the City, because that will impact us, future wise. If we don't make this decision to move forward with this today, it will present itself. I'm pretty sure we're not saying we don't ever want to develop in this area ever again, so that's not what we're saying. I support this, and I think it's a great idea, and I see that, based on the property that you're dealing with, and the difficulties you're faced with, it sounds like you've done everything you could to alleviate the traffic and the concerns of the residents, so you have my support on this one.

MAYOR MESSAM: Commissioner Barnes, and then I'll recognize the attorney.

VICE MAYOR BARNES: In meeting today, I spoke with a resident who sought to speak with me, and part of the conversation revolved around the fact that residents will not get involved. They get involved only when something goes wrong, and I really, really wish that, like as happened in a number of communities, that residents have reached out to us as Commissioners, and voiced their opinion about how they feel about this development. Any developer who has spoken to me in the 14 odd years that I've been here, they will tell you the first question I will ask of them is what do the residents of the area have to say. I didn't meet with you guys. I could have been out sick, I'm not sure, but that has to be my overriding concern, and what I'm saying is not just to the residents of the Foxcroft area, but all the residents of the City of Miramar. Something is happening in your neighborhood, and we understand, we understand, as I said in that meeting today. What are called the activities of daily living impact on us, and we do not respond or react in a timely fashion, because we're busy. But I think it is part of our responsibility as resident who pay taxes in the City to let your voice be heard. There are so many ways to let your voice be heard. I have very little choice but to go on the little information I have from our residents this evening. I wish there was more input.

MAYOR MESSAM: Well, first, the attorney has been waiting to speak. I do want to recognize Commissioner Colbourne, because we haven't heard from Commissioner Colbourne. Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: I think we have heard from one of the residents. We only have one resident here today. In the documents provided, it shows that residents came out to other meetings, and their issues were addressed. I see where, looking through the documents, that all the issues that were brought forward, they were not only addressed by the property contractors, but also by our staff. And after the evaluation, it was recommended to move forward. There's limited development on that side of town, on the east side of I-75, probably limited development throughout Miramar at this point, and that's one of them. I know people have been coming to me and said, "I can't find a new place to live in Miramar. I want to move to Miramar, but I can't find anywhere." So, hopefully, we will have other individuals who want to come to Miramar, will be able to find a home in Miramar. I understand the concerns that have been brought forward, but I don't see a reason for us to delay the project.

MAYOR MESSAM: Thank you. Mr. Attorney, then I'll come back to you, Commissioner Chambers.

MR. COKER: Commissioner Colbourne, thank you for making the point that I was going to make right now. Was that if you look at the backup material, the public participation process that you put in place actually worked, because we had the public participation meetings. The public showed up. There were a lot of comments. We took their names and numbers and email addresses. Carlos Smith, weeks going back and forth with

emails, gave me a list of their concerns, and addressing those concerns. And, as you pointed out, Commissioner, those concerns ended up in staff recommendations, and that's what you see, the staff recommendations of approval. And the reason that no one's here tonight is because those issues were resolved. Now I understand a lady did speak, and she said tonight exactly what she said at the first meetings, and those things are going to happen sometimes. But we went from 20 people voicing concerns and raising questions to where we are tonight, with those concerns being implemented by staff recommendation, and everybody is staying home, because they're satisfied. That's what your public participation process calls for, and it was met here tonight. Thank you.

MAYOR MESSAM: Thank you, sir. Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Now I just want to say that the City itself has the responsibility to all residents, and if that doesn't work, then the elected officials do have the responsibility to represent all residents when they're not present. Like Commissioner says, people are busy, they're at work, they've got families, and oftentimes, the low-income family do not have time to attend certain meetings. I guess they work. They come home, they've got a lot of stuff to attend to. At the same time, they do have a responsibility. I think with the presentation tonight we could move forward, we could table it, but I'm okay moving forward with the item, thank you.

MAYOR MESSAM: We've heard from the public, the applicant, and the Commission. Ma'am, if you have something new to add to the discussion, I can have you come forward, but if it's the same testimony you've already provided, I would respectfully ask. But if you have something new, you can come forward.

CITY ATTORNEY COLE: Mayor, because it's quasi-judicial, our procedures don't generally allow that, so you'll have to reopen it and let Mr. Coker respond to the comments.

MAYOR MESSAM: That's fine, that's fine. That's fine.

Ms. Ehrenfeld stated there were two other residents present, along with another person from the Board, and as Commissioner Chambers stated, Miramar Club was a low-income community, and she claimed many of them were already sleeping, as they had to take their children to school. She attended the last meeting, and though they applicant claimed they addressed the issues of accessing Foxcroft Road via the installation of stop signs, etc., nothing was said about the signs at the present meeting. She stated she received no emails, and once approached Commissioner Colbourne at church to speak to her about the subject project. There was no gate being provided, and she continued to feel the new residents would come onto the property where she currently resided, and this was unfair. She felt no provisions in the lease would prevent the new residents from parking where they should not. Ms. Ehrenfeld remarked she was not opposed to the project, she just felt the proposed design for the building was too big.

MAYOR MESSAM: If the applicant wishes to rebut, they could, if not, we'll move forward. We'll close the public hearing at this point. If there's no other discussion, I'll entertain a motion.

On a motion by Commissioner Riggs, seconded by Commissioner Colbourne, to approve Resolution #O1664, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

### Ordinance No. 17-15

15. Temp. Reso. #R6408 considering Application No. 1607400 **Site Plan**, Application No. 1607402 **Community Appearance Board**, Application No. 1607403 **Variance** from Land Development Code ("LDC") Section 704.5.7 to allow a 30-foot front yard setback where 35.1 feet is required, Application No. 1607405 Variance from LDC Section 808 to allow 10 tandem parking spaces where the Code does not permit tandem parking spaces, Application No. 1607406 Variance from LDC Section 808 to allow 115 spaces where 121 are required, Application No. 1607407 Variance from LDC Sections 901 and 905 to eliminate the requirement for street trees and to reduce the bufferyard requirement from 20 feet to 10 feet, and Application No. 1608869 Variance from LDC Section 704.12 to allow for 3.3% usable open space when the Code requires 6%, for the development of a **4-story**, 78,481 square foot **apartment building** on a vacant parcel located south of Miramar Parkway and west of Douglas Road; and approving the Site Plan, Community Appearance Board, and Variance applications with conditions. *(Community & Economic Development Director Eric Silva)*

MAYOR MESSAM: For item number 15, we will be voting separately on each application. The variances, we will vote by voice, but we will have an overall vote for 15 after all the variances have been voted on. Am I correct?

CITY ATTORNEY COLE: Yes, they're not all variances. The first one is 1607100, it's the site plan, then there's the CAB, then there's a whole bunch of variances.

MAYOR MESSAM: May I have a motion on item number 15, Application 1607400 - the Site Plan

On a motion by Commissioner Colbourne, seconded by Commissioner Riggs, to approve Resolution #R6408 - Application 1607400 - the Site Plan, the Commission voted:

Vice Mayor Barnes	No
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Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: May I have a motion on Application 1607402 - Community Appearance Board (CAB)

On a motion by Commissioner Riggs, seconded by Commissioner Colbourne, to approve Resolution #R6408 - Application 1607402 - CAB, the Commission voted:

Vice Mayor Barnes	No
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: May I have a motion on Application 1607403 - Variance

On a motion by Commissioner Riggs, seconded by Commissioner Colbourne, to approve Resolution #R6408 - Application 1607403 - Variance, the Commission voted:

Vice Mayor Barnes	No
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: May I have a motion on Application 1607405 - Variance

On a motion by Commissioner Riggs, seconded by Commissioner Colbourne, to approve Resolution #R6408 - Application 1607405 - Variance, the Commission voted:

Vice Mayor Barnes	No
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: May I have a motion on Application 1607406 - Variance

On a motion by Commissioner Riggs, seconded by Commissioner Colbourne, to approve Resolution #R6408 - Application 1607406 - Variance, the Commission voted:

Vice Mayor Barnes	No
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: May I have a motion on Application 1607407 - Variance

On a motion by Commissioner Riggs, seconded by Commissioner Colbourne, to approve Resolution #R6408 - Application 1607407 - Variance, the Commission voted:

Vice Mayor Barnes	No
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: May I have a motion on Application 1608869 - Variance

On a motion by Commissioner Colbourne, seconded by Commissioner Riggs, to approve Resolution #R6408 - Application 160889 - Variance, the Commission voted:

Vice Mayor Barnes	No
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: May I have a motion on the overall project, please?

On a motion by Commissioner Riggs, seconded by Commissioner Colbourne, to approve Resolution #R6408 - Application 1607400 - the Site Plan, the Commission voted:

Vice Mayor Barnes	No
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

### **Resolution No. 17-117**

- 16.** Temp. Reso. #R6407 considering Application No. 1606755, **Positano Villas Final Plat Approval**, for a plat consisting of one 2.42-acre parcel, located east of Southwest 62nd Avenue, between Southwest 36th Street and Southwest 37th Street. (*Community & Economic Development Director Eric Silva*)

Community & Economic Development Director Eric Silva discussed the proposed subject resolution, as set forth in the backup. The City Manager recommended approval with conditions.

MAYOR MESSAM: Are there any questions from the Commission or staff or the applicant? Hearing and seeing none, are there any members from the public who wish to comment on this item. Hearing and seeing none, back to the dais. I'll entertain a motion.

On a motion by Commissioner Colbourne, seconded by Commissioner Riggs, to approve Resolution #R6407, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

### **Resolution No. 17-118**

## **OTHER BUSINESS**

### **18. Reports and Comments:**

#### **Commissioner Reports:**

- a) Temp. Reso. #R6162 retaining Commissioner Colbourne as the Broward Metropolitan Planning Organization (MPO) Representative. (Mayor Wayne M. Messam)

MAYOR MESSAM: Before we get to our individual reports, we do have an item for the selection of the Broward Metropolitan Organization (MPO) representative. Currently, that position is held by Commissioner Colbourne. Is there a desire for Commissioner Colbourne to continue to serve? If not, I'll entertain a motion.

VICE MAYOR BARNES: Yes. Enthusiastically, yes.

MAYOR MESSAM: I don't think there'll be any changes. I'll entertain a motion. We're retaining Commissioner Colborne to represent the City on the MPO.

On a motion by Commissioner Riggs, seconded by Vice Mayor Barnes, to approve retaining Commissioner Colbourne as the City's MPO representative, the Commission voted:

Vice Mayor Barnes	Yes
Commissioner Chambers	Yes
Commissioner Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 17-119**

MAYOR MESSAM: I'll start with Commissioner Riggs and work our way down.

COMMISSIONER RIGGS: I have just a few events coming up. First one is Earth Day. Earth Day is this Saturday at Fairway Park; I'm looking forward to that. If you're part of Disco Soup, you'll need to be there by 10:00. If not, it's from 11:00 to 3:00, and it's going to be a great time. Bring the kids, learn how to start a garden, make some soup, and have some fun. I'm looking forward to that. I'll see you there this Saturday. The other one is the Community Care Center. I've partnered up with this organization, which is on Pembroke Road and 62<sup>nd</sup>. The community that's surrounding this church and this nonprofit, they're interested in doing free healthcare checkups for the community, and free dinners on the second Saturday and fourth Sunday. The flyers are up and they're all over the building, and different places around the community, and we're doing a mail out. I'm honored to be partnered with non-profits such as Community Care Center that's truly going out into the community and providing basic needs. If you want more information, it's right there. The other one is the National Day of Prayer. I'm very excited to be doing this one as well. The breakfast for the National Day of Prayer this year will be at our MCC, 7:00 a.m., so you'll hear more information about that, because it's not until next month. But the City of Miramar is honored to be a part of this, so I'm looking forward to seeing all of our faith leaders, and our family and friends at this event. So we're doing

the breakfast at MCC, and we're going to do the prayer at our flag that's in front of the Police Station, and there'll be a concert at the Bridge Church on Pembroke Road. That's it for me. Thank you.

MAYOR MESSAM: Thank you. Commissioner Colbourne, have a report?

COMMISSIONER COLBOURNE: Yes, thank you very much. First of all, thank you for the reappointment to MPO. I realized everybody wanted to do this. I do appreciate it. I do plan to have a transportation roundtable coming up within the next couple months, and I will let you all know more about that in our upcoming meetings. The only other thing I wanted to address is actually with the Madam Manager. There have been several rumors going around concerning a deputy; do we have a deputy or do we not have a deputy on staff. I think when we have rumors like that, it's important that this type of information be conveyed to the Commissioners as soon as possible, because it does spill over into the community, and to our offices as well. So if you will please enlighten us as to what's the situation with that. I would appreciate it.

MAYOR MESSAM: Madam Manager?

CITY MANAGER WOODS-RICHARDSON: We do have a deputy. The deputy is out of office on leave. The deputy is on approved leave at this moment.

COMMISSIONER COLBOURNE: And she's expected to return?

CITY MANAGER WOODS-RICHARDSON: There is some questions about whether she will be returning, but she is on leave. There is some discussion, and because it is a personnel matter, and it's not something that I would want to discuss the public. Certainly, it's between the deputy, and we've been having discussions, so there's nothing that says; she's on approved leave.

COMMISSIONER COLBOURNE: Well, I appreciate that. At a high-level position like that, it is important to have that communication with the Commissioners, as far as what's going on. If you're not there, we need to know who is in charge. And when that person changes, it's imperative that we know that that person is not there. In the event that person reaches out to us, we don't know that there is a situation or not.

CITY MANAGER WOODS-RICHARDSON: There is an out-of-office on her emails, so if you were to contact her by mail, you would get information from her that says who to relay your information to or who to reach out to, so that is available. She was in the office early this week. We are in conversation, but she's still a vital member of the City of Miramar. I actually am going to be out of the office on Monday, and a notice was sent today in regards to my absence on Monday. I have delegated authority to ACM Michael Moore, so if there are any concerns or any questions for my office, that he is available. In all cases, when I'm not available, somebody is designated and will be able to respond.

COMMISSIONER COLBOURNE: Thank you.

MAYOR MESSAM: Vice Mayor Barnes.

VICE MAYOR BARNES: Visited a number of departments over the last two weeks, and I'll be doing this over the ensuing future. Stopped by the garage yesterday, stopped by the Regional Park. The HR Director and I had a good little chat last week, the week before. This I want to do, in part because I think we all need to have an idea of what people do in the various offices, and also to offer support and encouragement for our staff members. If you see me walking into your department, don't get nervous, just visiting.

MAYOR MESSAM: Thank you, Vice Mayor. Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you Mr. Mayor, and congratulations to Commissioner Barnes on being nominated for Vice Mayor. It was a pleasure serving for the last year as Vice Mayor, even though I'm not sure why we have a Vice Mayor, because certain procedures and protocol doesn't follow, and not put in place, so I think we really need to revisit a lot of situations in the City regarding protocol and procedures, and get them on track. That's something we're going to have a discussion about. Last week, I had the opportunity to attend the Ninth Annual Caribbean Days in Tallahassee, along with the Consul General from Jamaica, the Consul General from Haiti. We have a large delegation of Haitian elected officials, the only woman senator in the Haitian Senate was there, and the Haitian Senate president, and so forth. We also had a large delegation of Nigerians in Tallahassee, also from right here in Miramar and Miami-Dade County. We have a great number of school children from Miami-Dade College, and I witnessed Senator Campbell spearheading the proclamation to acknowledge the Nigerian delegation to declare April 12<sup>th</sup> as Nigerian Day in the State of Florida. It was a great opportunity to experience and showcase the impact that the Caribbean community has on the State of Florida. My son was really impressed with the procedures up there, and just to represent the City of Miramar, and to have the State Senate acknowledge me as an elected official from Miramar, and also the State House acknowledged me on the floor. I was very proud of the City of Miramar, proud of myself. My 17-year-old son was very happy. I had a great time with Senator Campbell and her staff, and all the elected officials there in Tallahassee. I must say thanks to everyone who participated in the KAPOW, Kids and the Power of Work field trip on April 6, both New Renaissance and Fairway Elementary School students took part in that great experience. Several Miramar facilities and employees also took part. I would like to thank all the individual and all the different departments that played a role in making that field trip a great one. I think it was Miramar PD, OMPR, Park and Rec, Finance and Community Economic Development. Thank them so much for making the children have a great experience. I would like to thank Miramar Police Department, the men and women in uniform, also the Miramar Fire Department, and all the other employees. These men and women provide such a great service for our community. And just to see them every day working and doing such a wonderful job. I just want to thank them so much. Last, but not least, all our wonderful

residents of Miramar. Thanks and have a great April. See you guys at the next meeting. Thank you so much.

MAYOR MESSAM: Thank you, Commissioner Chambers, and it was pleasure to have you serving as Vice Mayor of the past year. It's great that you were able to go to Tallahassee with your son. I'm sure it was a great experience for the two of you, so thanks for sharing that with us. I would like to thank the Commission for the approval of the ban the box resolution that will lead to policies moving forward in the City of Miramar's hiring practices. I hope that our private sector will take note and follow suit. I would like to just make the public aware that we had two public hearings last week in regards to the current disparity study that is taking place in the City of Miramar. The first meeting was held last Wednesday at the Miramar Multi-Service, and last Thursday, it was held here at the Miramar Cultural Center. The purpose of the public hearing is to collect anecdotal data. And the experiences of businesses and doing business in the City of Miramar, whether good or bad. If you were not present or were not able to make those two dates, the City of Miramar has made it very convenient and accessible for our business community to go to the City's website at [miramar.fl.gov](http://miramar.fl.gov), where you'll see a link where you can select and be able to give your experiences in regards to doing business with Miramar. Some of the feedback the consulting is looking for is: were there any challenges, obstacles in accessing information when dealing with our staff. Was it pleasant, was it resourceful? We want to know good bad or indifferent, what your experience is, so it can assist our consultant and compiling the data. So do visit our City's website, so that your voice can be heard. And the more input we can get from the community, the better it will serve our disparity study. Second, on this coming Monday, Miramar will be hosting the Jamaica 55 Diaspora Conference Watch Meeting right here in City Commission Chambers. This is the second time Miramar has hosted this meeting, and the meeting will be Monday at 6:30 p.m. We will have the Honorable Senator Kamina Johnson-Smith, who serves the Ministry of Foreign Affairs and Foreign Trade for Jamaica, who will extend greetings and a presentation, and provide an opportunity for the community to get information regarding the Jamaica 55 Diaspora Conference that will take place this summer in Kingston, Jamaica. Also, today I had an opportunity to extend greetings to the Mayor of Belize, City Belize Mayor Darryl Bradley. He was here under the invitation of Broward County's Office of Economic & Small Business Development. They had a workshop at the Miramar Branch Library on how to do business with Belize. For those who may remember, back in 2013, the City executed a memorandum of understanding with the country of Belize in regards to formalizing relations for a cultural and trade exchange, and it was a pleasure to see Mayor Bradley again. Also, I had the opportunity to join Comcast, one of our corporate residents, who has expanded employment in the City and operations in the City. They have added an additional 600 jobs to the City of Miramar, where they have their business products and call center, and business and residential support center. We had the opportunity to have the Governor also to come down as well to make the announcement, where Comcast was able to take advantage of incentives from Enterprise Florida. We've just been very fortunate as a city to remain very attractive for businesses to come to Miramar, and for those who are already here, they're expanding it. Currently, Comcast has expanded their employee

base to almost 1,000 employees right here in the City of Miramar. They have several vacancies. I'll be sending out links to their career site, and we're working with our HR Department to be able to provide the direct job opportunities that located and available right here in the City of Miramar. Because we want to make sure that our Miramar residents are aware of the opportunities, and that we get as many Miramar residents hired in that process. I would like to thank our Community & Economic Development apartment for all of your continued work and assistance with the State of Florida, and Broward County's Greater Fort Lauderdale Alliance. I know we all work as a team to be able to offer incentive packages to these companies, so that they can continue to be successful and, ultimately, create jobs in our community. Finally, I would like to tip my hat off to our Police Department. Last evening, our Police Department served as the host agency for the Law Enforcement Memorial Ceremony. It is a ceremony that takes place every year; I think it's taken place for the last 30 years, in association with the Broward County's Chief's Association, and the Institute of Public Safety at Broward College. I would say that it was one of the most moving ceremonies that I've had the opportunity to participate in, as an elected official. Our Police Department did an impeccable job. The precision, the professionalism, and just the respect of their peers from other agencies, and the fine remarks that other agencies gave to me in regards to our chief, our command staff, and our officers. We truly have something to be proud of here in the City of Miramar with our Police Department. The keynote speaker was a survivor of a violent crime that took place here in Miramar, I think in 2009 in River Run. Ms. Hamilton gave a very moving account of her experience, and her encouragement to the families of the fallen officers and victims. It was a tear jerker if you were there, and our City just represented us very well across the Board, and I just would like to thank our Police Department for representing the residents and this community with such honor and distinction. And that concludes my reports. Any reports, Madam Manager?

### **City Manager Reports:**

MAYOR MESSAM: I do have one. Mr. Mayor, Vice Mayor and Commissioners, last July, I obtained your consensus to participate with the other Broward County cities, in the 2016 Surtax Education effort, and contributed \$42,714.00, paid to the Broward MPO to cover the surtax outreach, assistance cost. At this point, the effort is over, and a balance of half of the funds remain, and the MPO was requesting options for the distribution of the collected funds. Options included allowing them to use funds for various other purposes, or return them to the City. My recommendation is to the funds distributed back to the cities they came from, and I'm seeking your consensus this evening to relay that option to the MPO.

COMMISSIONER COLBOURNE: I agree, we need to go ahead and get the funds back to us to us. They were not used for what they were sent over for. We can accept them back.

MAYOR MESSAM: I think you have consensus, Madam Manager, to have the balance of the funds credited back to the City.

CITY MANAGER WOODS-RICHARDSON: I thought you'd want it that way.

**City Attorney Reports:**

None

**FUTURE WORKSHOP**

Date	Time	Subject	Location
04/20/17	5:30 p.m.	Sister Cities Workshop	Commission Conference Room

**ADJOURNMENT**

MAYOR MESSAM: This meeting is adjourned.

The meeting was adjourned at 9:53 p.m.

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Denise A. Gibbs, CMC  
City Clerk  
DG/cp